THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.1728 of 1999

Dated: 22.01.2008

Between:

Kaza Srinivasa Murthy.

..... Petitioner

Vs.

The Government of Andhra Pradesh, Education, rep. by its Secretary, Secretariat, Saifabad, Hyderabad and others.

.....Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.1728 of 1999

ORDER:

The dispute in this writ petition is with regards the age of retirement of a Lecturer in a Government Aided College. While lecturers in Government colleges are required to retire on reaching the age of superannuation of 58 years, it is the case of the petitioner that, under University Grants Commission guidelines, a Lecturer is entitled to continue till he attains the age of superannuation of 62 years.

Learned Government Pleader for Higher Education has placed before this Court an order of the Supreme Court, in Civil Appeal No.6686- 6689 of 2003 dated 07.05.2007 wherein it was

held that it was a matter of policy as to what age of retirement should be prescribed and by doing so the Court would be trailing into the dangerous area of the wisdom of the legislation, and that if the State Government in its discretion, which was permissible under the scheme, decided to restrict the age and not increase it to 60 or, as the case may be, to 62 years, it was perfectly justified in doing so. Learned Government Pleader would also place before this Court a copy of G.O.Ms.No.150, dated 18.08.2007.

Since it is not in dispute that the age of retirement of lecturers in Government Aided Colleges in the State of Andhra Pradesh is 58 years, and as the State Government in its wisdom has chosen to restrict the age of retirement of lecturers to 58 years, it is not for this Court to direct it to enhance the age of retirement upto 60 or 62 years based on the guidelines of the University Grants Commission, since these are all matters of policy, which fall within the executive realm and are not, ordinarily, matters for interference in proceeding under Article 226 of the Constitution.

The Writ Petition fails and is accordingly dismissed. No costs.

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RAMESH RANGANATHAN, J

Dated: 22.01.2008

sj